

House Bill 1148

By: Representatives Amerson of the 9th, Bridges of the 10th, Reece of the 27th, and Jenkins of the 8th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to create a new superior court judgeship for the Enotah Judicial Circuit; to provide for the initial appointment, election, and term of office of such judge; to provide for the qualifications and for the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia and the counties comprising the judicial circuit; to provide for jurors; to authorize the judges of said circuit to divide and allocate the work and duties thereto and provide for the duties of the chief judge and presiding judges; to provide for powers, duties, and responsibilities of judges of said circuit; to provide for additional court reporters and personnel and the compensation of such reporters and personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by striking paragraph (17.1) and inserting in lieu thereof the following:

“(17.1) Enotah Circuit 23”

SECTION 2.

One additional judge of the superior courts is added to the Enotah Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 3.

Said additional judge shall be appointed by the Governor for a term beginning July 1, 2006, and continuing through December 31, 2008, and until his or her successor is elected and

1 qualified; such judge shall take office on the date of his or her appointment by the Governor.
2 His or her successor shall be elected in the manner provided by law for the election of judges
3 of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of
4 four years beginning on January 1, 2009, and until his or her successor is elected and
5 qualified. Future successors shall be elected at the nonpartisan judicial election each four
6 years after such election for terms of four years and until their successors are elected and
7 qualified. They shall take office on the first day of January following the date of the election.

8 **SECTION 4.**

9 The additional judge of the superior courts of the Enotah Judicial Circuit of Georgia shall
10 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of
11 the present judges of the superior courts of this state. Any of the judges of the Enotah
12 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and
13 perform any official act as judge thereof, including sitting on appellate courts as provided by
14 law.

15 **SECTION 5.**

16 The qualifications of such additional judge and his or her successors and his or her
17 compensation, salary, and expense allowance from the State of Georgia and from the
18 counties of the superior courts of the Enotah Judicial Circuit shall be the same as are now
19 provided by law for all other superior court judges. The provisions, if any, enacted for the
20 supplementation by the counties of said circuit of the salary of the judges of the superior
21 courts of the Enotah Judicial Circuit shall also be applicable to the additional judge provided
22 for by this Act.

23 **SECTION 6.**

24 All writs and processes in the superior courts of the Enotah Judicial Circuit shall be
25 returnable to the terms of said superior courts as they are now fixed and provided by law, or
26 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
27 in the same manner as though there were but one judge, it being the intent and purpose of this
28 Act to provide three judges equal in jurisdiction and authority to attend and perform the
29 functions, powers, and duties of the judges of said superior courts and to direct and conduct
30 all hearings and trials in said courts.

SECTION 7.

Upon and after qualification of the additional judge of the superior court of the Enotah Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

SECTION 8.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior court of said circuit; and they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 9.

The three judges of the Enotah Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 10.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Enotah Judicial Circuit may bear teste in the name of any judge of the Enotah Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 11.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Enotah Judicial Circuit are authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the

1 court. All of the expenditures authorized in this Act are declared to be an expense of the
2 court and payable out of the county treasury as such.

3 **SECTION 12.**

4 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
5 responsibilities of superior court judges provided by the Constitution and statutes of the State
6 of Georgia.

7 **SECTION 13.**

8 (a) For purposes of making the initial appointment of the judge to fill the superior court
9 judgeship created by this Act, this Act shall become effective upon its approval by the
10 Governor or its becoming law without such approval.

11 (b) For all other purposes, this Act shall become effective July 1, 2006.

12 **SECTION 14.**

13 All laws and parts of laws in conflict with this Act are repealed.